REQUEST FOR REFUND Appln. No. 10/812,041 Docket No. 073979.00059

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicants : Fago, et al. Appln. No. : 10/812,041 Filed : 03/29/2004

Title : APPARATUS AND METHOD FOR MAINTAINING SUSPENDIBLE AGENTS IN

SUSPENSION
Docket No. : 073979.29 (MRD-116 (1495 US))

Art Unit : 4111

Examiner : Carpenter, William R.

Confirm. No.: 1450

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR REFUND (ERRONEOUS CHARGE TO DEPOSIT ACCOUNT)

This paper requests a refund with respect to the charge on January 22, 2008 to Deposit Account 20-0809, for the above-identified application. Copies of the Patent Application Fee Determination Record - Effective 10/01/2003 (Attachment A); Amendment with Electronic Acknowledgement Receipt (Attachment B) in which the error referred to occurred; and Patent Application Fee Determination Record (Substitute for Form PTO-875) with Sales Receipt for Accounting dated 01/22/2008 (Attachment C) are attached.

I. FEES CHARGED FOR WHICH A REFUND IS REQUESTED

01/22/2008 CODE 1201/2201
Description: Independent claims in excess of three

TOTAL REFUND REQUESTED: \$420.00

II. EXPLANATION OF WHY THE CONTESTED CHARGE IS IN ERROR

When the original application was filed on March 29, 2004, the fee for a total of 34 claims were filed (14 claims in excess of 20) and 4 independent claims were filed (1 independent claim in excess of 3) was paid, as evidenced and noted on "Attachment A".

An Amendment to the Office Action mailed October 18, 2007 was originally filed through the USPTO's EFS-Web electronic filing system on January 4, 2008; cancelling Claim 8; and withdrawing 7 dependent claims (Claims 27-31 and Claims 33-34) and 2 independent claims (Claim 26 and 32) on the attached "Attachment B". Claim 4 and Claim 19 were amended to become independent claims, and new independent Claim 35 was added. Thereby leaving 25 claims with 5 independent claims (2 claims in excess of 3). Four independent claims were paid for at the time of the original filing of the application and the fee for the fifth independent claim was paid at the time of filing the Amendment.

On January 22, 2008, a charge was erroneously made and \$420.00 was charged to Deposit Account 20-0809; as noted on "Attachment C." At this time, Applicant believes no extra fees were do and respectfully request a refund.

III. MANNER OF REFUND

Please make refund in the amount of \$420.00 by crediting the Deposit Account 20-0809.

Respectfully submitted,

Adam G. Pugh Reg. No. 60,482 THOMPSON HINE LLP P.O. Box 8801 Dayton, Ohio 45401-8801

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CINCINNATI 676121 v1

PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

Effective October 1, 2003

CLAIMS AS FILED - PART I

10/8/2,04/

(Column 1) (Column 2)						,	TYPE			OTHER TI		
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⊩	MULTIPLE DEPENDENT CLAIM PRESENT								OR	+290=		
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AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE	
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PATENT APPLICATION SERIAL NO. ____

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

03/31/2004 GWORDOF1 00000046 10812041

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PTO-1556 (5/87)

ATTACHMENT B

	ATTACHMENT B						
Electronic Acknowledgement Receipt							
EFS ID:	2670347						
Application Number:	10812041						
International Application Number:							
Confirmation Number:	1450						
Title of Invention:	Apparatus and method for maintaining suspendible agents in suspension						
First Named Inventor/Applicant Name:	Frank M. Fago						
Customer Number:	27805						
Filer:	Adam Gene Pugh/Dottle Hensley						
Filer Authorized By:	Adam Gene Pugh						
Attorney Docket Number:	MRD-116 (1495 US)						
Receipt Date:	04-JAN-2008						
Filing Date:	29-MAR-2004						
Time Stamp:	11:52:12						
Application Type:	Utility under 35 USC 111(a)						
Payment information:							

Submitted with Payment	yes						
Payment Type	Credit Card						
Payment was successfully received in RAM	\$210						
RAM confirmation Number	6576						
Deposit Account							
Authorized User							

File Listing	:				
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

		Total Files Size (in bytes)	1280	137	
Information:					
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Information:					
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	Applicant Arguments/Remark	9	11		
	Claim	3	8	8	
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/IOD/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filling Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Listing of Claims:

This listing of claims will replace all prior listings of claims in this application.



1. (CURRENTLY AMENDED) An apparatus for administering a suspendible agent in suspension, the apparatus comprising:

a suspendible agent;

- a delivery container including a fluid reservoir eapable of holding a propellant fluid, an exit port, a fluid path between said fluid reservoir and said exit port, and a delivery mechanism operative for causing said propellant fluid to flow through said fluid path; and
- a suspension apparatus disposed in sald fluid path, sald suspension apparatus including a radial flow channel and a plurality of circumferential flow channels coupled in fluid communication by said radial flow channel, said radial flow channel and said plurality of circumferential flow channels capable of being filled with the centraet <u>suspendible</u> agent and in fluid communication with said exit port, wherein the centraet <u>suspendible</u> agent is delivered to said exit port after flowing through said radial flow channel and said plurality of circumferential flow channels when said delivery mechanism is operated to cause <u>the</u> propellant fluid to flow through said fluid path.
- (ORIGINAL) The apparatus of claim 1 wherein said suspension apparatus further includes a plurality of circumferential dividing walls defining said plurality of circumferential flow channels.
- 3. (ORIGINAL) The apparatus of claim 2 wherein said suspension apparatus further includes a gap formed in a corresponding one of said plurality of circumferential dividing walls that defines said radial flow channel.
- (3)
 - 4. (CURRENTLY AMENDED) An apparatus of claim 2 wherein said suspension apparatus includes for administering a suspendible agent in suspension, the apparatus comprising:
 - a delivery container including a fluid reservoir capable of holding a propellant fluid, an exit port, a fluid path between said fluid reservoir and said exit port, and a delivery mechanism operative for causing said propellant fluid to flow through said fluid path; and
 - a suspension apparatus disposed in said fluid path, said suspension apparatus including a radial flow channel and a first plate carrying said a plurality of circumferential dividing walls defining a plurality of circumferential flow channels coupled in fluid communication by said radial flow channel, said radial flow channel and said plurality of circumferential flow channels capable of being filled with the suspendible agent and in fluid communication with said exit port, wherein the suspendible agent is delivered to said exit port after flowing through said radial flow channel and said plurality of circumferential flow channels when said delivery mechanism is operated to cause the propellant fluid to flow through said fluid path, and wherein said first plate includes opposed upstream and downstream surfaces and an axial flow channel extending between said upstream and downstream surfaces.

- 5. (ORIGINAL) The apparatus of claim 4 wherein said first plate includes a radial dividing wall intersecting said plurality of circumferential dividing walls for blocking the plurality of circumferential flow channels and diverting fluid flow through said radial flow channel.
- (CURRENTLY AMENDED) The apparatus of claim 4 wherein-eaid-first-plate-includee-opposed
 upstream-and-dewnstream-surfaces, said plurality of dividing walls being distributed between said
 upstream and downstream surfaces.
- 7. (CURRENTLY AMENDED) The apparatus of claim 6 wherein said first plate-includes an axial flow channel coupling <u>couples</u> circumferential flow channels on said downstream surface with circumferential flow channels on said upstream surface.

8. (CANCELED)

- 9. (CURRENTLY AMENDED) The apparatus of claim 8.4 wherein said axial flow channel is located adjacent to a center of said first plate.
- 10. (CURRENTLY AMENDED) The apparatus of claim 8 4 wherein said axial flow channel is located adjacent to a peripheral edge of said first plate.
- 11. (CURRENTLY AMENDED) The apparatus of claim 4 wherein said suspension apparatus further comprises a second plate contacting said plurality of firet dividing walls leeated-en-said-upstream-surface and a third plate contacting said plurality of firet dividing walls leeated-en-said-upstream-surface so that said plurality of firet dividing walls define said plurality of direcumferential flow channels.
- 12. (ORIGINAL) The apparatus of claim 11 wherein said second and said third plates each includes an axial flow channel coupling said plurality of circumferential flow channels and said plurality of radial flow channels with circumferential and radial flow channels of an adjacent first plate.
- 13. (ORIGINAL) The apparatus of claim 4 wherein said suspension apparatus includes a second plate having an axial flow channel communicating with said plurality of circumferential flow channels, said second plate contacting said plurality of first dividing walls for defining said plurality of circumferential flow channels.
- 14. (CURRENTLY AMENDED) The apparatus of claim 2 wherein said plurality of first dividing walls include irregularities that cause contract said suspendible agent flowing in said plurality of circumferential flow channels to change direction.

- 15. (ORIGINAL) The apparatus of claim 2 wherein said plurality of circumferential dividing walls have a concentric arrangement.
- 16. (ORIGINAL) The apparatus of claim 1 wherein said suspension apparatus includes a pair of first plates, said plurality of circumferential flow channels and said plurality of radial flow channels being distributed between said pair of first plates.
- 17. (ORIGINAL) The apparatus of claim 16 wherein said suspension apparatus includes a second plate positioned between said pair of first plates so as to separate said plurality of circumferential flow channels and said plurality of radial flow channels on an upstream surface of one of said pair of first plates from said plurality of circumferential flow channels and said plurality of radial flow channels on a downstream surface of the other of said pair of first plates.
- 18. (ORIGINAL) The apparatus of claim 17 wherein said second plate includes an axial flow channel coupling said plurality of circumferential flow channels and said plurality of radial flow channels on one of said first plates with said plurality of circumferential flow channels and said plurality of radial flow channels on the other of said first plates.



- 19. (CURRENTLY AMENDED) An The apparatus of claim 1 wherein said suspension device is for administering a suspendible agent in suspension, the apparatus comprising:
- a delivery container including a fluid reservoir capable of holding a propellant fluid, an exit port, a fluid path between said fluid reservoir and said exit port, and a delivery mechanism operative for causing said propellant fluid to flow through said fluid path; and
- a suspension apparatus positioned inside said delivery container and disposed in said fluid path, said suspension apparatus including a radial flow channel and a plurality of circumferential flow channels coupled in fluid communication by said radial flow channel, said radial flow channel and said plurality of circumferential flow channels capable of being filled with the suspendible agent and in fluid communication with said exit port, wherein the suspendible agent is delivered to said exit port after flowing through said radial flow channel and said plurality of circumferential flow channels when said delivery mechanism is operated to cause the propellant fluid to flow through said fluid path.
- 20. (ORIGINAL) The apparatus of claim 1 wherein said circumferential flow channels have a concentric arrangement.
- (\frac{\lambda}{2}
- 21. (CURRENTLY AMENDED) An apparatus for administering a suspendible contrast agent in suspension, the apparatus comprising:

a delivery container including a fluid reservoir eapable-of holding a propellant fluid, an exit port, a fluid path between said fluid reservoir and said exit port, and a delivery mechanism operative for causing said propellant fluid to flow through said fluid path; and

a suspension apparatus disposed in said fluid path, said suspension apparatus including a plurality of <u>pairs of</u> first and second plates with a stacked arrangement, each pair of said first and second plates being separated by a plurality of dividing walls defining a plurality of circumferential flow channels capable of being filled with the contrast agent, each of said plurality of first and second plates configured to permit axial flow between said plurality of circumferential flow channels of adjacent pairs of first and second plates, wherein the contrast agent is delivered to said exit port after flowing through said plurality of circumferential flow channels when said delivery mechanism is operated to cause propellant fluid to flow through said fluid path.

22. (ORIGINAL) The apparatus of claim 21 wherein a ratio of a volume of said flow channels to a volume occupied by said dividing walls ranges from about 0.25 to about 0.5.

23. (ORIGINAL) The apparatus of claim 21 wherein said set of flow channels includes a concentric plurality of circumferential flow channels and a plurality of radial flow channels, adjacent pairs of said circumferential flow channels being coupled in fluid communication by a corresponding one of said radial flow channels.

24. (CURRENTLY AMENDED) The apparatus of claim 21 wherein each of said plurality of baffle plates and each of said-plurality of spacer <u>pairs of first and second</u> plates includes an axial flow channel to permit axial flow between adjacent sets of flow channels.

25. (ORIGINAL) The apparatus of claim 21 wherein said suspension device is positioned inside said delivery container.

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26. (WITHDRAWN) A method for administering a suspendible agent in suspension to a patient, comprising:

providing contrast agent in a fluid path including concentric circumferential flow channels coupled by radial flow channels and axial flow channels that confine the suspendible agent to maintain the suspension;

introducing a propellant fluid into the fluid path effective to cause the contrast agent to flow axially in the fluid path toward an exit port coupled with a patient; and

directing the suspendible agent circumferentially through the concentric circumferential flow channels and radially through the radial flow channels thereby administering the suspendible agent in suspension to the patient. 27. (WITHDRAWN) The method of claim 26 wherein said suspendible agent is a microbubble-containing contrast agent.

28. (WITHDRAWN) The method of claim 26 further comprising:

directing the contrast agent through an axial flow channel coupling adjacent sets of circumferential flow channels and radial flow channels.

29. (WITHDRAWN) The method of claim 26 wherein directing the contrast agent further comprises: directing the contrast agent circumferentially through a first set of the concentric circumferential flow channels and radially outward through a first set of the radial flow channels; and

directing the contrast agent circumferentially through a second set of the concentric circumferential flow channels and radially inward through a second set of the radial flow channels.

30. (WITHDRAWN) The method of claim 29 further comprising:

transferring the contrast agent from the first set of the concentric circumferential flow channels and the first set of the radial flow channels to the second set of the concentric circumferential flow channels and the second set of the radial flow channels.

31. (WITHDRAWN) The method of claim 29 further comprising:

transferring the contrast agent from the second set of the concentric circumferential flow channels and the second set of the radial flow channels to the first set of the concentric circumferential flow channels and the first set of the radial flow channels.

32. (WITHDRAWN) A method of filling a device for administering a suspendible agent in suspension to a patient, comprising:

aspirating a propellant fluid from a first bulk container through a fluid path including concentric circumferential flow channels coupled by radial flow channels and axial flow channels into a fluid reservoir of a delivery container, and

aspirating the suspendible agent from a second bulk container into the concentric circumferential flow channels, radial flow channels and axial flow channels of the fluid path.

33. (WITHDRAWN) The method of claim 32 wherein said suspendible agent is a microbubble-containing contrast agent.

34. (WITHDRAWN) The method of claim 32 wherein aspirating the volume of the suspendible agent further comprises:

displacing the propellant fluid resident in the concentric circumferential flow channels coupled by radial flow channels and axial flow channels into the fluid reservoir.

35. (NEW) An apparatus for administering a suspendible agent in suspension, comprising: a suspendible agent;

a delivery container including a fluid reservoir capable of holding a propellant fluid, an exit port, a fluid path between said fluid reservoir and said exit port, and a delivery mechanism operative for causing said propellant fluid to flow through said fluid path; and

a suspension apparatus disposed in said fluid path, said suspension apparatus including a radial flow channel and a plurality of circumferential flow channels coupled in fluid communication by said radial flow channel, said radial flow channel and said plurality of circumferential flow channels capable of being filled with the suspendible agent and in fluid communication with said exit port, wherein the suspendible agent is delivered to said exit port when said delivery mechanism is operated to cause the propellant fluid to flow through said fluid path.

ATTACHMENT C

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032 Approve to use integral in Item 20 in Income and a person of use integral in Item 20 in Income and Indonesia (Office, U.S. Detail (Office, U.S. DETAILENT OF COMMENCE)

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APPLICATION AS FILED – PART I OTHER THAN											
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FOR NUMBER FILED NUMBER EXTRA					RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)		
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	SEARCH FEE (37 CFR 1.16(k), (i), o	r (m))	N/A		N/A		N/A			N/A	
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If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$220 (\$125 for small entity) for each additional 50 sheets reaction thereof. See 35 U.S.C. 41(e)(1)(g) and 37 CFR 1.16(s)											
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*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, onter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

This colorism of information is required by 37 CFR 116. The information is required by 20 CFR 116. The information of retain a benefit by the public which is to fix grant by the USFT 01 or properting, and submitting the completed application from the the USFR 116. There will very depending upon the included case. Any comments on the amount of time you require to complete the first market or supplete for producing the three the USFR 116. There will very depending upon the included case. Any comments on the amount of time you require to complete the first market or supplete for the USFR 116. There will very depending upon the included case. Any comments on the amount of time you require to complete the USFR 116. The very depending upon the included case. Any comments on the amount of time you can be admitted to the USFR 116. The Very CFR 116. Th

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